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FILED

Clerk of the Superior Court

DEC 24 2003

By: C. NEPOMUCENO, Deputy

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

THE CITIES OF ARCADIA, BALDWIN
PARK, BELLFLOWER, CERRITOS,
COMMERCE, DIAMOND BAR, DOWNEY,
IRWINDALE, LAWNDAL, MONROVIA,
MONTEBELLO, MONTEREY PARK, PICO
RIVERA, ROSEMEAD, SAN GABRIEL,
SANTA FE SPRINGS, SIERRA MADRE,
SIGNAL HILL, SOUTH PASADENA,
VERNON, WEST COVINA and WHITTIER,
municipal corporations,

Petitioners/Plaintiffs,

vs.

THE STATE WATER RESOURCES
CONTROL BOARD; and THE CALIFORNIA
REGIONAL WATER QUALITY CONTROL
BOARD, LOS ANGELES REGION, and
DOES 1 through 50, inclusive,

Respondents/Defendants.

Case No. GIC 803631

Judge Wayne L. Peterson
Department 75

~~Proposed~~ JUDGMENT

The Petition for Writ of Mandate came on for hearing and trial at 9:30 a.m. on November 5, 2003 in Department 75 of the above-entitled Court, the Honorable Wayne L. Peterson, presiding. Richard Montevideo and Terence Gallagher, Rutan & Tucker, LLP, appeared on behalf of Plaintiffs and Petitioners the Cities of Arcadia, Baldwin Park, Bellflower, Cerritos, Commerce, Diamond Bar, Downey, Irwindale, Lawndale, Monrovia, Montebello, Monterey Park, Pico Rivera,

1 Rosemead, San Gabriel, Santa Fe Springs, Sierra Madre, Signal Hill, South Pasadena, Vernon,
2 West Covina and Whittier ("Petitioners"). Gregory Newmark, Deputy Attorney General, Attorney
3 General of the State of California, appeared on behalf of Respondents and Defendants State Water
4 Resources Control Board and California Regional Water Quality Control Board, Los Angeles
5 Region.

6 The Administrative Record, the judicially noticed materials, the pleadings, the briefs, and
7 oral argument having been fully reviewed and considered by the Court, and the Court having
8 issued its Statement of Decision on 12/24/03,

9 IT IS HEREBY ADJUDICATED, ORDERED, AND DECREED that:

10 (1) Judgment is entered in favor of Petitioners and against Respondents on the Petition for
11 Writ of Mandate.

12 (2) Each of the following are void, invalid, and unenforceable: (1) the Trash Total
13 Maximum Daily Loads for the Los Angeles River Watershed, dated September 19, 2001; (2) State
14 Water Resources Control Board Resolution No. 2002-0038 adopted on February 19, 2002; (3)
15 California Regional Water Quality Control Board, Los Angeles Region Resolution No. 01-013,
16 adopted on September 19, 2001; (4) the Amendments to the Water Quality Control Plan - Los
17 Angeles Region for the Los Angeles River Trash TMDL, as reflected in Attachment A to
18 Resolution No. 01-013; (5) the Regulatory Action taken by the State of California Office of
19 Administrative Law dated July 16, 2002, establishing "no trash" as the total maximum daily load
20 of trash allowed to be discharged into the Los Angeles River and adopting "a schedule for the
21 progressive attainment of this standard over a period of about twelve years;" and (6) California
22 Regional Water Quality Control Board, Los Angeles Region Memorandum dated July 29, 2002
23 regarding the Los Angeles River Watershed and Ballona Creek Trash TMDLs. The regulatory
24 actions described in numbers (1)-(6) above regarding the adoption of Trash Total Maximum Daily
25 Loads for the Los Angeles River Watershed shall be referred to collectively as the "Los Angeles
26 River Trash TMDLs."

27 (3) A Peremptory Writ of Mandate be issued under the seal of this Court commanding the
28 State Water Resources Control Board and California Water Resources Control Board, Los

1 Angeles Region and all officers, officials, agents, attorneys, employees and persons and entities
2 acting on behalf of, or through color of the authority of State Water Resources Control Board and
3 California Water Resources Control Board, Los Angeles Region, to set aside the Los Angeles
4 River Trash TMDLs, and not to take any other or further steps to implement, enforce or apply the
5 Los Angeles River Trash TMDLs.

6 (4) Petitioners shall be awarded costs in the amount of \$ to be set

7 (5) That this Court reserve general jurisdiction herein.


8 Dated: DEC 24 2003

WAYNE L. PETERSON

Hon. Wayne L. Peterson
Judge of the Supreme Court of California

11 SUBMITTED BY:

12 RUTAN & TUCKER, LLP

13 By: 
14 Richard Montevideo
15 Attorney for Plaintiffs/Petitioners

1
2 **PROOF OF SERVICE BY MAIL**

3
4 **STATE OF CALIFORNIA, COUNTY OF ORANGE**

5 I am employed by the law office of Rutan & Tucker, LLP in the County of Orange, State of
6 California. I am over the age of 18 and not a party to the within action. My business address is
611 Anton Boulevard, Fourteenth Floor, Costa Mesa, California 92626-1931.

7 On November 26, 2003, I served on the interested parties in said action the within:

8 **[Proposed] JUDGMENT**

9
10 by placing a true copy thereof in sealed envelope(s) addressed as stated below:

11 Bill Lockyer
12 Attorney General
13 Gregory Newmark, Esq.
14 Deputy Attorney General
California Attorney General Office
300 South Spring Street, Suite 1100N
Los Angeles, CA 90013

15 In the course of my employment with Rutan & Tucker, LLP, I have, through first-hand
16 personal observation, become readily familiar with Rutan & Tucker, LLP's practice of collection
17 and processing correspondence for mailing with the United States Postal Service. Under that
18 practice, I deposited such envelope(s) in an out-box for collection by other personnel of Rutan &
19 Tucker, LLP, and for ultimate posting and placement with the U.S. Postal Service on that same day
20 in the ordinary course of business. If the customary business practices of Rutan & Tucker, LLP
21 with regard to collection and processing of correspondence and mailing were followed, and I am
22 confident that they were, such envelope(s) were posted and placed in the United States mail at
23 Costa Mesa, California, that same date. I am aware that on motion of party served, service is
24 presumed invalid if postal cancellation date or postage meter date is more than one day after date
25 of deposit for mailing in affidavit.

26 Executed on November 26, 2003, at Costa Mesa, California.

27 I declare under penalty of perjury under the laws of the State of California that the
28 foregoing is true and correct.

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Karen M. Hardy
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